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July 24, 2024

VIA ECF FILING

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States ex rel. YNKDY-2 v. Shiel Medical Laboratory, et al.
Civil Action No. 16-CV-1090

Dear Judge Garaufis:

We are co-counsel for Defendant Jack Basch in the above-referenced matter. We write to alert the Court to the decision in *United States v. Trump*, Case No. 23-80101-CR-Cannon, 2024 WL 3404555 (S.D. Fla. July 15, 2024), which analyzes the Appointments Clause, a provision of the U.S. Constitution that was discussed in the government's Statement of Interest (ECF No. 126) and Mr. Basch's response (ECF No. 131). While *Trump* is a district court decision outside the Second Circuit, it has garnered national attention, and a notice of appeal to the Eleventh Circuit was filed on July 18, 2024. While the relevance of *Trump* to the case may be apparent on its face (2024 WL 3404555 at **6-9, 23-25), if the Court wishes, Mr. Basch would be prepared to submit a three-page supplemental brief concerning the decision by August 16, 2024.

Respectfully yours,



Claude M. Millman

cc: Counsel via ECF

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